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PTO/SB/21 (05-03)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/858,332	
	Filing Date	May 15, 2001	
	First Named Inventor	TCHAGA, GRIGORIY S.	
	Group Art Unit	1652	
	Examiner Name	KERR, KATHLEEN M.	
Total Number of Pages in This Submission	21	Attorney Docket Number	CLON-056CIP

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certification Regarding Sequence Listing and Preliminary Amendment; 1 CRF; Copy of Notice to Comply; Postcard
Remarks		

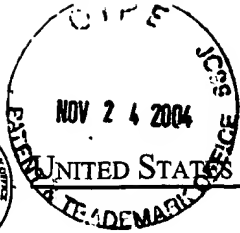
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Signing Attorney/Agent (Reg. No.)	BRET E. FIELD, 37,620 BOZICEVIC, FIELD & FRANCIS, LLP
Signature	
Date	November 24, 2004

**EXPRESS MAIL LABEL NO. EV519866970US**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,332	05/15/2001	Grigoriy S. Tchaga	CLON-056CIP	2176
41064	7590	11/05/2004		
BOZICEVIC, FIELD & FRANCIS (BD BIOSCIENCES) 1900 UNIVERSITY AVENUE SUITE 200 EAST PALO ALTO, CA 94303				
			EXAMINER KERR, KATHLEEN M	
			ART UNIT 1652	PAPER NUMBER

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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11012004

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The amendment filed on August 19, 2004 containing a sequence listing is considered non-responsive to the Office communication mailed on May 19, 2004 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules and/or Raw Sequence Listing Error Report. Applicant must comply with the requirements of the sequence rules (37 C.F.R. ' 1.821 - 1.825) before the application can be examined under 35 U.S.C. § 131 and 132.

The sequence listing is defective for the reasons cited in the attached raw sequence listing error report.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 C.F.R. ' 1.821 - 1.825), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 C.F.R. ' 1.821 - 1.825) in order to avoid abandonment of the application under 37 C.F.R. ' 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. ' 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Kerr whose telephone number is (571) 272-0931. The examiner can normally be reached on Monday through Friday, from 9:00am to 6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathupura Achutamurthy can be reached on (571) 272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.□

Kathleen M Kerr  
Primary Examiner  
Art Unit: 1652